Case: 1:13-cv-04180 Document #: 125 Filed: 11/25/14 Page 1 of 19 PageID #:2205



UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS 219 SOUTH DEARBORN STREET CHICAGO, ILLINOIS 60604

312-435-5670

November 25, 2014

Mr. Gino J. Agnello, Clerk U.S. Court of Appeals-Seventh Circuit 219 South Dearborn Street-Room 2722 Chicago, Illinois 60604

RE: Arlington Specialties, Inc. V. Urban Aid, Inc.

U.S.D.C. DOCKET NO. : 13 CV 4180

U.S.C.A. DOCKET NO.: 14-3416

Dear Mr. Agnello:

Please find attached the original record on appeal consisting of the following:

VOLUME(S) OF *ELECTRONIC* PLEADING(S) **6**

VOLUME(S) OF *ELECTRONIC* TRANSCRIPT(S) **6**

VOLUME(S) OF DEPOSITION(S)

EXHIBITS:

VAULT ITEMS: 1 Flash Drive (Sealed E-Transcripts)

OTHER (SPECIFY):

SPECIAL NOTE:

Please acknowledge date of receipt of the above mentioned materials on the attached copy of this letter.

Very truly yours,

Thomas G. Bruton, Clerk

By: /s/ Sheila Moore, Deputy Clerk

I, THOMAS G. BRUTON, CLERK of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, and together with a true copy of docket entries as they appear in the official dockets in this office, consisting of:

6 Volumes of Pleadings1 Flash Drive (Sealed E-Transcripts)6 Volumes of E-Transcripts

In the cause entitled: Arlington Specialties, Inc. V. Urban Aid, Inc..

USDC NO. : 13 CV 4180

USCA NO. : 14-3416

IN TESTIMONY WHEREOF, I hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois, this 25th day of November 2014.

THOMAS G. BRUTON, CLERK

By: /s/ Sheila Moore, Deputy Clerk

A TRUE COPY-ATTEST THOMAS G. BRUTON, CLERK

By: s/ SHEILA MOORE
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS

November 25, 2014

AO279, APPEAL, PROTO, TERMED, VALDEZ

United States District Court Northern District of Illinois - CM/ECF LIVE, Ver 6,1 (Chicago) CIVIL DOCKET FOR CASE #: 1:13-cv-04180 Internal Use Only

Arlington Specialties, Inc. v. Urban Aid, Inc. Assigned to: Honorable Sharon Johnson Coleman

Case in other court: 14-03416

Cause: 15:1051 Trademark Infringement

Date Filed: 06/05/2013 Date Terminated: 09/30/2014 Jury Demand: Plaintiff

Nature of Suit: 840 Trademark Jurisdiction: Federal Question

Plaintiff

Arlington Specialties, Inc. doing business as
Pinch Provisions

represented by Jami A. Gekas

Foley & Lardner
321 North Clark Street
Suite 2800
Chicago, IL 60654
(312) 832-4500
Fax: (312) 832-4700
Email: jgekas@foley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Aaron J. Weinzierl

Foley & Lardner
321 North Clark Street
Suite 2800
Chicago, IL 60610
312 832 4500
Email: aweinzierl@foley.com
ATTORNEY TO BE NOTICED

Richard Spencer Montei

Foley & Lardner Llp 321 N Clark St Suite 2800 Chicago, IL 60654 (312) 832-4500 Email: rmontei@foley.com

ATTORNEY TO BE NOTICED

Tanya Hiba Miari

Edwards Wildman Palmer LLP 225 West Wacker Dr.
Suite 3000
Chicago, IL 60606
(312) 201-2000
Email: tmiari@edwardswildman.com
TERMINATED: 02/18/2014
ATTORNEY TO BE NOTICED

V.

Defendant

Urban Aid, Inc.

represented by Ashley Elizabeth LaValley

Niro, Haller & Niro
181 W. Madison
Suite 6400
Chicago, IL 60602
(312) 377-3286
Email: alavalley@nshn.com
ATTORNEY TO BE NOTICED

Christopher William Niro

Niro, Haller & Niro, Ltd. 181 W. Madison St. Suite 4600 Chicago, IL 60602 (312) 236-0733 Fax: (312) 236-3137 Email: cniro@nshn.com ATTORNEY TO BE NOTICED

Philip H. Stillman

Stillman & Associates
300 South Pointe Drive
Suite 4206
Miami Beach, FL 33139
(888) 235-4279
Email:
pstillman@stillmanassociates.com

PRO HAC VICE ATTORNEY TO BE NOTICED

Movant

DSW, Inc.

Date Filed	#	Docket Text
06/05/2013	1	COMPLAINT filed by Arlington Specialties, Inc.; Jury Demand. Filing fee \$ 400, receipt number 0752-8416681. (Attachments: # 1 Exhibit A-B)(Gekas, Jami) (Entered: 06/05/2013)
06/05/2013	<u>2</u>	CIVIL Cover Sheet (Gekas, Jami) (Entered: 06/05/2013)
06/05/2013	<u>3</u>	ATTORNEY Appearance for Plaintiff Arlington Specialties, Inc. by Jami A. Gekas (Gekas, Jami) (Entered: 06/05/2013)
06/05/2013		CASE ASSIGNED to the Honorable Sharon Johnson Coleman. Designated as Magistrate Judge the Honorable Maria Valdez. (nsf,) (Entered: 06/05/2013)
06/05/2013	4	ATTORNEY Appearance for Plaintiff Arlington Specialties, Inc. by Tanya Hiba Miari (Miari, Tanya) (Entered: 06/05/2013)
06/05/2013	<u>5</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Arlington Specialties, Inc. (Miari, Tanya) (Entered: 06/05/2013)
06/05/2013		SUMMONS Issued as to Defendant Urban Aid, Inc. (et,) (Entered: 06/05/2013)
06/06/2013	<u>6</u>	MAILED Trademark report to Patent Trademark Office, Alexandria VA (Attachments: # 1)(lp,) (Entered: 06/06/2013)
06/06/2013	7	MAILED to plaintiff(s) counsel Lanham Mediation Program materials. (lp,) (Entered: 06/06/2013)
06/25/2013	8	SUMMONS Returned Executed by Arlington Specialties, Inc. as to Urban Aid, Inc. on 6/8/2013, answer due 7/1/2013. (Miari, Tanya) (Entered: 06/25/2013)
06/26/2013	9	CERTIFICATE of Compliance with Lanham Act Mediation Program (Miari, Tanya) (Entered: 06/26/2013)
08/21/2013	10	MINUTE entry before Honorable Sharon Johnson Coleman: The return of service indicates that defendant Urban Aid, Inc. was served on 6/8/2013. More than 21 days have elapsed and defendants have failed to answer or otherwise plead. The clerk hereby enters default pursuant to Rule 55(a). Status hearing set for 9/30/2013 at 09:00 AM.Mailed notice (rth,) (Entered: 08/21/2013)

09/25/2013	MINUTE entry before Honorable Sharon Johnson Coleman: Counsel indicates that the parties are working out a settlement. Status hearing set for 9/30/2013 is stricken and reset to 10/11/2013 at 09:00 AM. to allow time for the parties to complete the settlement agreement. If a stipulation is filed prior to the next date, the status will be stricken. If not, the parties must appear. Mailed notice (rth,) (Entered: 09/25/2013)
10/03/2013	ATTORNEY Appearance for Defendant Urban Aid, Inc. by Christopher William Niro (Niro, Christopher) (Entered: 10/03/2013)
10/03/2013	ATTORNEY Appearance for Defendant Urban Aid, Inc. by Ashley Elizabeth LaValley (LaValley, Ashley) (Entered: 10/03/2013)
10/11/2013	Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Honorable Maria Valdez for the purpose of holding proceedings related to: settlement.(rth,)Mailed notice. (Entered: 10/11/2013)
10/11/2013	MINUTE entry before Honorable Sharon Johnson Coleman: Status hearing held on 10/11/2013. Defendant to file responsive pleading by 11/8/2013. This date is final. Pro hac vice motion to be filed by 10/18/2013. The case is referred to Magistrate Judge Valdez for settlement discussions. Mailed notice (rth,) (Entered: 10/11/2013)
10/15/2013	MINUTE entry before Honorable Maria Valdez: This case has been referred to Judge Valdez to conduct a settlement conference. The parties are ordered to appear for status on 10/22/2013 at 10:00 a.m. in Courtroom 1041 to set a settlement conference date. Because of the volume of settlement conferences conducted by Judge Valdez, once a settlement conference date has been agreed upon, no continuance will be granted without a motion showing extreme hardship.Mailed notice (lp,) (Entered: 10/15/2013)
10/15/2013	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-8828450. (Stillman, Philip) (Entered: 10/15/2013)
10/22/2013	MINUTE entry before Honorable Maria Valdez:Magistrate Judge Status hearing held on 10/22/2013. Case is set to October 31, 2013 at 1:00 p.m. in courtroom 1041 for settlement conference. Judge Valdez requires full compliance with the Court's Standing Order on Settlement Conference found on Judge Valdez's website available at www.ilnd.uscourts.gov, or the parties can contact courtroom deputy, Lisa Provine, at 312/408-5135 for a copy. Failure to comply with the provisions of the Court's Standing Order may result in the unilateral cancellation of the settlement conference by the Court. Absent leave from the Court, cancellation will result if the Plaintiff fails to submit to chambers copies of the settlement letters four days prior to the settlement conference. Because of the volume of settlement conferences conducted by Judge Valdez, once a settlement conference date has been agreed upon, no continuance will be granted without a motion showing extreme hardship. Mailed notice (lp,) (Entered: 10/22/2013)

10/23/2013	<u>19</u>	MINUTE entry before Honorable Maria Valdez: Enter Order correcting minute entry dated 10/22/2013: Copies of the settlement letters are due by 10/30/2013, instead of four days prior to the settlement conference. All other deadlines to stand. Mailed notice (lp,) (Entered: 10/23/2013)
10/31/2013	20	MINUTE entry before Honorable Maria Valdez: Settlement conference held on 10/31/2013. Settlement conference to be continued. Status hearing set before Judge Valdez on November 12, 2013 at 10:00 AM to discuss further settlement conference setting. The parties are encouraged to continue to discuss settlement options prior to the status hearing. Mailed notice (lp.) (Entered: 10/31/2013)
11/08/2013	<u> 21</u>	Urban Aid, Inc.'s Answer and Affirmative Defenses to Complaint for Trademark Infringement, Unfair Competition and Other Relief ANSWER to Complaint by Urban Aid, Inc.(Stillman, Philip) (Entered: 11/08/2013)
11/08/2013		MOTION by Defendant Urban Aid, Inc. to strike answer to complaint 21 Defendant's Agreed Motion to Strike Docket No. 21 (Attachments: # 1 Exhibit A)(Niro, Christopher) (Entered: 11/08/2013)
11/08/2013		NOTICE of Motion by Christopher William Niro for presentment of motion to strike, motion for relief 22 before Honorable Sharon Johnson Coleman on 11/13/2013 at 08:45 AM. (Niro, Christopher) (Entered: 11/08/2013)
11/12/2013		MINUTE entry before Honorable Maria Valdez: Magistrate Judge Status hearing held on 11/12/2013 and continued to 12/10/2013 at 10:00 AM. Mailed notice (lp,) (Entered: 11/12/2013)
11/12/2013		MINUTE entry before Honorable Sharon Johnson Coleman: Application by Philip Harris Stillman for leave to appear pro hac vice 17 is granted. Defendant's agreed motion to strike answer to complaint (Docket #21) 22 is granted. No appearance required on 11/13/2013.Mailed notice (rth,) (Entered: 11/12/2013)
12/10/2013	<u>26</u>	MINUTE entry before the Honorable Maria Valdez: Magistrate Judge Status hearing held on 12/10/2013. The parties having indicated no interest in discussing settlement at this time, all matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. Mailed notice (lp,) (Entered: 12/11/2013)
01/06/2014	<u>27</u>	MOTION by Defendant Urban Aid, Inc. for summary judgment (Stillman, Philip) (Entered: 01/06/2014)
01/06/2014	28	MEMORANDUM by Defendant Urban Aid, Inc. in Support of Motion For Summary Judgment(Memorandum in Support of Motion For Summary Judgment (Attachments: # 1 Separate Statement of Undisputed Facts, # 2 Notice of Filing Motion for Summary Judgment)(Stillman, Philip) (Entered: 01/06/2014)
01/06/2014	<u>29</u>	DECLARATION of Karen Barnett regarding motion for summary judgment

		27 (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4(a), # 5 Exhibit 4(b), # 6 Exhibit 5)(Stillman, Philip) (Entered: 01/06/2014)
01/06/2014	30	MOTION by Defendant Urban Aid, Inc. to stay <i>Discovery Pending a Ruling On Defendant's Motion for Summary Judgment</i> (Attachments: # 1 Memorandum In support of Motion for a Stay Of Discovery, # 2 Declaration of Philip Stillman In Support of Motion For A Stay of Discovery)(Stillman, Philip) (Entered: 01/06/2014)
01/06/2014	31	NOTICE of Motion by Philip H. Stillman for presentment of motion to stay, 30 before Honorable Sharon Johnson Coleman on 1/9/2014 at 08:45 AM. (Stillman, Philip) (Entered: 01/06/2014)
01/06/2014	<u>32</u>	NOTICE of Motion by Philip H. Stillman for presentment of motion for summary judgment 27 before Honorable Sharon Johnson Coleman on 1/9/2014 at 08:45 AM. (Stillman, Philip) (Entered: 01/06/2014)
01/08/2014	<u>33</u>	STATUS Report <i>JOINT</i> by Arlington Specialties, Inc. (Miari, Tanya) (Entered: 01/08/2014)
01/09/2014	<u>34</u>	MINUTE entry before the Honorable Sharon Johnson Coleman: Motion hearing held on 1/9/2014. Defendant's motion to stay 30 is denied. On defendant's motion for summary judgment 27, response due by 3/10/2014. Reply due by 3/31/2014. Fact Discovery ordered closed by 8/29/2014. Any written discovery to be answered by 2/10/2014. Status hearing set for 3/31/2014 at 09:00 AM. Mailed notice (rth,) (Entered: 01/09/2014)
01/14/2014	35	MINUTE entry before the Honorable Sharon Johnson Coleman: Minute entry # 34 dated 1/9/2014 is amended in part as follows: Any written discovery to be propounded by 2/10/2014. Answer to said discovery due 30 days thereafter. The remainder of the entry shall stand.Mailed notice (rth,) (Entered: 01/14/2014)
02/04/2014		ATTORNEY Appearance for Plaintiff Arlington Specialties, Inc. by Aaron J. Weinzierl (Weinzierl, Aaron) (Entered: 02/04/2014)
02/04/2014	<u>37</u>	NOTICE by Jami A. Gekas of Change of Address and Firm (Gekas, Jami) (Entered: 02/04/2014)
02/05/2014	<u>38</u>	MOTION by counsel for Plaintiff Arlington Specialties, Inc. to withdraw as attorney (Miari, Tanya) (Entered: 02/05/2014)
02/17/2014	<u>39</u>	NOTICE of Motion by Tanya Hiba Miari for presentment of motion to withdraw as attorney 38 before Honorable Sharon Johnson Coleman on 2/20/2014 at 08:45 AM. (Miari, Tanya) (Entered: 02/17/2014)
02/17/2014	<u>40</u>	MOTION by Plaintiff Arlington Specialties, Inc. to compel <i>Discovery</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Weinzierl, Aaron) (Entered: 02/17/2014)
02/17/2014	<u>41</u>	NOTICE of Motion by Aaron J. Weinzierl for presentment of motion to compel 40 before Honorable Sharon Johnson Coleman on 2/20/2014 at 08:45

		AM. (Weinzierl, Aaron) (Entered: 02/17/2014)
02/18/2014	42	MINUTE entry before the Honorable Sharon Johnson Coleman: Plaintiff's motion to withdraw Tanya Hiba Miari as attorney 38 is granted. The case is referred to Magistrate Judge Valdez for discovery supervision. Plaintiff shall re-notice the motion to compel before Magistrate Judge Valdez. No appearance required on 2/20/2014. Mailed notice (rth,) (Entered: 02/18/2014)
02/18/2014		Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Honorable Maria Valdez for the purpose of holding proceedings related to: discovery supervision, including but not limited to motion to compel 40 .(rth,)Mailed notice. (Entered: 02/18/2014)
02/18/2014		NOTICE of Motion by Aaron J. Weinzierl for presentment of motion to compel 40 before Honorable Maria Valdez on 2/20/2014 at 10:15 AM. (Weinzierl, Aaron) (Entered: 02/18/2014)
02/20/2014	45	MINUTE entry before the Honorable Maria Valdez: Motion hearing held on Plaintiff's Motion to Compel Discovery 40. The motion, which seeks expedited discovery for purposes of responding to the pending motion for summary judgment, is denied, as none of the information sought is necessary for the response. If the parties are not able to resolve their remaining discovery disputes, the motion may be refiled. Defendant is ordered to produce by the close of business 2/25/14 the documents it has already agreed to produce. The parties are to immediately meet and confer on the scheduling of the deposition of Karen Barnett. Status hearing on that issue set for 2/21/14 at 2:00 p.m. Mailed notice (lp.) (Entered: 02/20/2014)
02/20/2014	<u>46</u>	MOTION by Plaintiff Arlington Specialties, Inc. to clarify <i>February 20, 2014 Order Regarding Discovery</i> (Weinzierl, Aaron) (Entered: 02/20/2014)
02/20/2014	<u>47</u>	NOTICE of Motion by Aaron J. Weinzierl for presentment of motion to clarify 46 before Honorable Maria Valdez on 2/21/2014 at 02:00 PM. (Weinzierl, Aaron) (Entered: 02/20/2014)
02/21/2014		MINUTE entry before the Honorable Maria Valdez: Magistrate Judge Status hearing held on 2/21/2014. Plaintiff's Motion to Clarify February 20, 2014 Order Regarding Discovery 45 is stricken. Mailed notice (lp,) (Entered: 02/21/2014)
02/24/2014	<u>49</u>	MOTION by Plaintiff Arlington Specialties, Inc. to clarify <i>February</i> 20, 2014 Order Regarding Discovery (Weinzierl, Aaron) (Entered: 02/24/2014)
02/24/2014	<u>50</u>	NOTICE of Motion by Aaron J. Weinzierl for presentment of motion to clarify 49 before Honorable Maria Valdez on 2/27/2014 at 10:15 AM. (Weinzierl, Aaron) (Entered: 02/24/2014)
02/24/2014	<u>51</u>	MOTION by Plaintiff Arlington Specialties, Inc. for extension of time to file response/reply as to motion for summary judgment 27 (Weinzierl, Aaron) (Entered: 02/24/2014)

02/24/2014	NOTICE of Motion by Aaron J. Weinzierl for presentment of motion for extension of time to file response/reply, motion for relief 51 before Honorable Sharon Johnson Coleman on 2/27/2014 at 08:45 AM. (Weinzierl, Aaron) (Entered: 02/24/2014)
02/25/2014	MOTION by Movant DSW, Inc. to quash <i>Third Party Subpoena</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Niro, Christopher) (Entered: 02/25/2014)
02/25/2014	NOTICE of Motion by Christopher William Niro for presentment of motion to quash 53 before Honorable Maria Valdez on 3/4/2014 at 10:15 AM. (Niro, Christopher) (Entered: 02/25/2014)
02/27/2014	MINUTE entry before the Honorable Maria Valdez: Motion hearing held on 2/27/2014. Plaintiff's Motion to clarify February 20, 2014 Order Regarding Discovery 49 and Plaintiff's Motion for extension of time to file response/reply, motion for relief 51 are taken under advisement. Mailed notice (lp,) (Entered: 02/27/2014)
02/27/2014	MINUTE entry before the Honorable Sharon Johnson Coleman: Motion hearing held on 2/27/2014. Plaintiff's motion for extension of time to file response to defendant's motion for summary judgment 51 is granted in part for 2 weeks. On defendant's motion for summary judgment 27, response due by 3/24/2014. Reply due by 4/7/2014. Once fully briefed, the motion is taken under advisement. Parties will be notified if oral argument is necessary. Discovery as to the motion for summary judgment only is a priority as set forth in open court. Status hearing set for 7/7/2014 at 09:00 AM.Mailed notice (rth,) (Entered: 02/28/2014)
02/28/2014	MOTION by Plaintiff Arlington Specialties, Inc. for order to show cause And Opposition To DSW Inc.'s Motion To Quash (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Weinzierl, Aaron) (Entered: 02/28/2014)
02/28/2014	NOTICE of Motion by Aaron J. Weinzierl for presentment of motion for order to show cause 57 before Honorable Maria Valdez on 3/4/2014 at 10:15 AM. (Weinzierl, Aaron) (Entered: 02/28/2014)
03/03/2014	NOTICE by Urban Aid, Inc. re MOTION by Movant DSW, Inc. to quash Third Party Subpoena 53, notice of motion 54 Joinder in Third Party DSW, Inc.'s Motion to Quash Subpoena Duces Tecum (Attachments: # 1 Exhibit 1)(Stillman, Philip) (Entered: 03/03/2014)
03/04/2014	MINUTE entry before the Honorable Maria Valdez: Motion hearing held on 3/4/2014. Third Party DSW, Inc.'s Motion to Quash Subpoenas Pursuant to Rule 45(d)(3) 53 is granted in part and denied in part, and Plaintiff's Counter-Motion to Compel and for Order to Show Cause 57 is denied. As discussed in more detail in this Court's order granting Plaintiff's motion for clarification Doc. No. 61, documents and information relating to products other than the

		Accused Product are not relevant. DSW must produce the remaining documents no later than March 12, 2014. Mailed notice (lp,) (Entered: 03/05/2014)
03/05/2014		MINUTE entry before the Honorable Maria Valdez: Plaintiff's Motion for Clarification of the Court's February 20, 2014 Order Regarding Discovery 49 is granted. Enter Order.Mailed notice (lp,) (Entered: 03/05/2014)
03/05/2014	<u>61</u>	ORDER Signed by the Honorable Maria Valdez on 3/5/2014:Mailed notice(lp,) (Entered: 03/05/2014)
03/11/2014 Flash Drive	E=PI CT;A LT=L	TRANSCRIPT OF PROCEEDINGS held on 2/21/14 before the Honorable Maria Valdez. Court Reporter Contact Information: TRACEY D. McCULLOUGH, 312-435-5570, Tracey_Mccullough@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 4/1/2014. Redacted Transcript Deadline set for 4/11/2014. Release of Transcript Restriction set for 6/9/2014. (Mccullough, Tracey) (Entered: 03/11/2014)
03/11/2014	"TYP	TRANSCRIPT OF PROCEEDINGS held on 1/9/14 before the Honorable
Flash Drive	E=PI CT;A LT=L OCK"	Sharon Johnson Coleman. Court Reporter Contact Information: TRACEY D. McCULLOUGH, 312-435-5570, Tracey Mccullough@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 4/1/2014. Redacted Transcript Deadline set for 4/11/2014. Release of Transcript Restriction set for 6/9/2014. (Mccullough, Tracey) (Entered: 03/11/2014)
03/11/2014		TRANSCRIPT OF PROCEEDINGS held on 2/27/14 before the Honorable
<u>Flash</u> <u>Drive</u>	CT;A	Sharon Johnson Coleman. Court Reporter Contact Information: TRACEY D. McCULLOUGH, 312-435-5570, Tracey_Mccullough@ilnd.uscourts.gov.
	OCK"	IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the

		redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 4/1/2014. Redacted Transcript Deadline set for 4/11/2014. Release of Transcript Restriction set for 6/9/2014. (Mccullough, Tracey) (Entered: 03/11/2014)
03/21/2014 Flash Drive	E=PI CT;A	TRANSCRIPT OF PROCEEDINGS held on 2/27/2014 before the Honorable Maria Valdez. Court Reporter Contact Information: ALEXANDRA ROTH, alexandra roth@ilnd.uscourts.gov, (312) 408-5038.
	LT=L OCK" 66	IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.
		Redaction Request due 4/11/2014. Redacted Transcript Deadline set for 4/21/2014. Release of Transcript Restriction set for 6/19/2014. (Roth, Alexandra) (Entered: 03/21/2014)
03/24/2014	<u>67</u>	DECLARATION of Georgette Kaplan In Support Of Pinch Provisions' Response In Opposition To Urban Aid's Motion For Summary Judgment (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M)(Weinzierl, Aaron) (Entered: 03/24/2014)
03/24/2014	<u>68</u>	RULE 56 (b)(3) Statement <i>Pinch Provisions' Responses And Objections To Defendant Urban Aid's Local Rule 56.1 Statement</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Weinzierl, Aaron) (Entered: 03/24/2014)
03/24/2014	<u>69</u>	RULE 56 (b)(3)(C) Statement <i>Pinch Provisions' Local Rule 56.1(b)(3)(C)</i> Statement Of Additional Material Facts (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Weinzierl, Aaron) (Entered: 03/24/2014)
03/24/2014	<u>70</u>	MEMORANDUM by Arlington Specialties, Inc. in Opposition to motion for summary judgment 27 (Gekas, Jami) (Entered: 03/24/2014)
03/26/2014	<u>71</u>	MINUTE entry before the Honorable Maria Valdez:Status Hearing is set for 4/24/2014 at 10:00 a.m.Mailed notice (lp,) (Entered: 03/26/2014)
04/07/2014	<u>72</u>	MOTION by Defendant Urban Aid, Inc. for extension of time to file response/reply as to memorandum in opposition to motion 70, Rule 56 statement, 69 <i>Stipulated Motion for Extension of Time</i> (Niro, Christopher) (Entered: 04/07/2014)
04/07/2014	<u>73</u>	NOTICE of Motion by Christopher William Niro for presentment of motion

		for extension of time to file response/reply, motion for relief, 72 before
		Honorable Sharon Johnson Coleman on 4/10/2014 at 08:45 AM. (Niro,
		<u>Christopher) (Entered: 04/07/2014)</u>
04/07/2014		TRANSCRIPT OF PROCEEDINGS held on February 20, 2014, before the
Flash		Honorable Maria Valdez. Court Reporter Contact Information: Laura LaCien,
<u>Drive</u>	LT=L	312-408-5032, laura_lacien@ilnd.uscourts.gov.
	OCK"	IMPORTANT: The transcript may be viewed at the court's public terminal or
	<u>74</u>	purchased through the Court Reporter/Transcriber before the deadline for
		Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the
		redaction process, see the Court's web site at www.ilnd.uscourts.gov under
		Quick Links select Policy Regarding the Availability of Transcripts of Court
		Proceedings.
		Redaction Request due 4/28/2014. Redacted Transcript Deadline set for 5/8/2014. Release of Transcript Restriction set for 7/7/2014. (Lacien, Laura) (Entered: 04/07/2014)
04/08/2014	<u>75</u>	REPLY by Urban Aid, Inc. to memorandum in opposition to motion 70 for Summary Judgment (Stillman, Philip) (Entered: 04/08/2014)
04/08/2014	76	RESPONSE by Defendant Urban Aid, Inc. to Rule 56 statement, 69 of
04/08/2014	70	Additional Facts of Plaintiff Arlington Specialties (Stillman, Philip) (Entered:
		04/08/2014)
04/09/2014	77	MINUTE entry before the Honorable Sharon Johnson Coleman: Defendant's
		stipulated motion for extension of time to file reply to its motion for summary
		judgment by 4/8/2014 72 is granted. No appearance required on 4/10/2014. Mailed notice (rth,) (Entered: 04/09/2014)
		· · · · · · · · · · · · · · · · · · ·
04/24/2014	<u>78</u>	MINUTE entry before the Honorable Maria Valdez: Magistrate Judge Status hearing held on 4/24/2014 and continued to 6/12/2014 at 10:00 AM. Mailed
		notice (lp,) (Entered: 04/24/2014)
06/12/2014	70	MINUTE entry before the Honorable Maria Valdez: Magistrate Judge Status
06/12/2014	<u>19</u>	hearing held on 6/12/2014 and continued to 7/17/2014 at 10:00 AM. Mailed
		notice (lp,) (Entered: 06/12/2014)
07/07/2014	80	MINUTE entry before the Honorable Sharon Johnson Coleman: Status
07/07/2014	00	hearing held on 7/7/2014. Status hearing set for 9/29/2014 at 09:00
		AM.Mailed notice (rth,) (Entered: 07/08/2014)
07/11/2014	81	MOTION by Plaintiff Arlington Specialties, Inc. for protective order
		governing discovery (Attachments: # 1 Exhibit A)(Weinzierl, Aaron)
		(Entered: 07/11/2014)
07/11/2014	<u>82</u>	NOTICE of Motion by Aaron J. Weinzierl for presentment of motion for
		protective order 81 before Honorable Maria Valdez on 7/17/2014 at 10:15 AM. (Weinzierl, Aaron) (Entered: 07/11/2014)
		(MI), (MOHIZICH, MIIOH) (EMOICH, U//11/2014)

07/16/2014	83	MOTION by Defendant Urban Aid, Inc. for protective order <i>Motion for Entry of Stipulated Protective Order</i> (Attachments: # 1 Stipulated Protective Order)(Niro, Christopher) (Entered: 07/16/2014)
07/16/2014	<u>84</u>	for protective order 83 before Honorable Maria Valdez on 7/17/2014 at 10:15 AM. (Niro, Christopher) (Entered: 07/16/2014)
07/17/2014		MINUTE entry before the Honorable Maria Valdez: Status and Motion hearing held on 7/17/2014. Defendant's Motion for Entry of Stipulated Protective Order 83 is granted, and Plaintiff's Motion for Protective Order Governing Discovery 81 is denied as moot. Status hearing set for 9/2/14 at 10:00 a.m. Enter Order. Mailed notice (lp,) (Entered: 07/17/2014)
07/17/2014	<u>86</u>	STIPULATED Protective Order Signed by the Honorable Maria Valdez on 7/17/2014: Mailed notice (lp,) (Entered: 07/17/2014)
07/31/2014 Flash Drive	E=PI CT;A	TRANSCRIPT OF PROCEEDINGS held on 6/12/14 before the Honorable Maria Valdez. Court Reporter Contact Information: Kathleen_Fennell@ilnd.uscourts.gov.
	<u>LT=L</u> <u>OCK"</u> <u>87</u>	IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.
		Redaction Request due 8/21/2014. Redacted Transcript Deadline set for 9/1/2014. Release of Transcript Restriction set for 10/29/2014. (Fennell, Kathleen) (Entered: 07/31/2014)
09/02/2014		MINUTE entry before the Honorable Maria Valdez: Status hearing held. A follow-up status hearing is scheduled for September 23, 2014, at 10:00 a.m. to discuss whether the parties anticipate conducting any expert discovery. Mailed notice (ma,) (Entered: 09/02/2014)
09/18/2014	<u>89</u>	ATTORNEY Appearance for Plaintiff Arlington Specialties, Inc. by Richard Spencer Montei (Montei, Richard) (Entered: 09/18/2014)
09/18/2014	90	MOTION by Plaintiff Arlington Specialties, Inc. to compel <i>Production of Supplemental Documents and Answers</i> (Attachments: # 1 Exhibit A - Pinch Provisions's Second Set of Written Discovery, # 2 Exhibit B - Urban Aid's Responses to Pinch Provisions's Second Set of Written Discovery, # 3 Exhibit C - Pinch Provisions's Letter Regarding Urban Aid's Responses to Written Discovery, # 4 Exhibit D - Urban Aid's Acknowledgement of Pinch Provision's Letter)(Montei, Richard) (Entered: 09/18/2014)
09/18/2014	<u>91</u>	NOTICE of Motion by Richard Spencer Montei for presentment of motion to compel,, 90 before Honorable Maria Valdez on 9/23/2014 at 10:00 AM.

		(Montei, Richard) (Entered: 09/18/2014)
09/22/2014	92	MINUTE entry before the Honorable Maria Valdez: At the parties' request, the status and motion hearing set for 9/23/2014 is stricken and reset to 9/30/2014 at 10:15 a.m. Mailed notice (np,) (Entered: 09/22/2014)
09/26/2014	93	MINUTE entry before the Honorable Sharon Johnson Coleman: Status hearing set for 9/29/2014 is stricken and reset to 10/6/2014 at 09:00 AM. in light of proceedings before Magistrate Judge Valdez.Mailed notice (rth.) (Entered: 09/26/2014)
09/26/2014	94	MINUTE entry before the Honorable Sharon Johnson Coleman: Minute entry #93 is vacated in its entirety. Status hearing set to 9/29/2014 is stricken. The court will set further dates as necessary based on its forthcoming ruling. Mailed notice (rth,) (Entered: 09/26/2014)
09/30/2014	<u> </u>	MINUTE entry before the Honorable Maria Valdez: Motion hearing held on 9/30/14. Plaintiff's Motion to Compel Production of Supplemental Documents and Answers 90 is taken under advisement. Mailed notice (lp,) (Entered: 09/30/2014)
09/30/2014	<u>96</u>	MINUTE entry before the Honorable Sharon Johnson Coleman: For the reasons stated herein, the undisputed facts demonstrate that no genuine issue of material fact exists and Urban Aid is entitled to judgment as a matter of law. This Court grants the motion for summary judgment 27, and the case is dismissed with prejudice. Enter Memorandum Opinion and Order. Plaintiff's motion to compel 90 is denied as moot. Civil case terminated. Mailed notice (rth,) (Entered: 09/30/2014)
09/30/2014	<u>97</u>	MEMORANDUM Opinion and Order Signed by the Honorable Sharon Johnson Coleman on 9/30/2014:Mailed notice(rth,) (Entered: 09/30/2014)
09/30/2014	<u>98</u>	ENTERED JUDGMENT Signed on 9/30/2014:Mailed notice(rth,) (Entered: 09/30/2014)
10/01/2014	<u>99</u>	MAILED Trademark report with certified copy of Minute Order dated 09/30/2014 to Patent Trademark Office, Alexandria VA. (Attachments: #1 Order) (sxw) (Entered: 10/01/2014)
10/14/2014	100	MOTION by Defendant Urban Aid, Inc. for attorney fees <i>Pursuant to Fed. R. Civ. P. 54(d) and For Briefing Schedule</i> (Attachments: # 1 Notice of Filing Of Motion for Attorney's Fees, # 2 Memorandum in Support of Motion for Attorney's Fees)(Stillman, Philip) (Entered: 10/14/2014)
10/14/2014	101	DECLARATION of Philip H. Stillman regarding motion for attorney fees, 100 and Exhibits Thereto (Stillman, Philip) (Entered: 10/14/2014)
10/15/2014	102	NOTICE of Motion by Christopher William Niro for presentment of motion for attorney fees, 100 before Honorable Sharon Johnson Coleman on 10/21/2014 at 08:45 AM. (Niro, Christopher) (Entered: 10/15/2014)

10/21/2014	<u>103</u>	MINUTE entry before the Honorable Maria Valdez: All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. Mailed notice (lp,) (Entered: 10/21/2014)
10/21/2014		MINUTE entry before the Honorable Sharon Johnson Coleman: Motion hearing held on 10/21/2014. On defendant's motion for attorney fees Pursuant to Fed. R. Civ. P. 54(d) 100, bifurcated response as set forth in open court is due by 11/4/2014. Single reply due by 11/12/2014. Once fully briefed, the matter is taken under advisement. Mailed notice (rth,) (Entered: 10/21/2014)
10/30/2014		BILL of Costs (Attachments: # 1 Exhibit 1(Invoice for Hearing Transcript), # 2 Exhibit 2 (Receipt for Pro Hac Filing))(Niro, Christopher) (Entered: 10/30/2014)
10/30/2014	106	NOTICE of appeal by Arlington Specialties, Inc. regarding orders 98, 61, 35, 34, 62, 45, 56, 96, 97 Filing fee \$ 505, receipt number 0752-10013790. (Gekas, Jami) (Entered: 10/30/2014)
10/30/2014	<u>107</u>	DOCKETING Statement by Arlington Specialties, Inc. regarding notice of appeal 106 (Gekas, Jami) (Entered: 10/30/2014)
10/31/2014	108	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal 106. (meg.) (Entered: 10/31/2014)
10/31/2014	<u>109</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal 106. Notified counsel. (meg,) (Entered: 10/31/2014)
10/31/2014	110	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal 106; USCA Case No. 14-3416. (ao,) (Entered: 11/03/2014)
11/04/2014 Flash Drive	E=PI CT;A LT=L OCK"	TRANSCRIPT OF PROCEEDINGS held on 10/11/13 before the Honorable Sharon Johnson Coleman. Court Reporter Contact Information: TRACEY D. MC CULLOUGH, 312-922-3716, Tracey Mccullough@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 11/25/2014. Redacted Transcript Deadline set for 12/5/2014. Release of Transcript Restriction set for 2/2/2015. (Mccullough, Tracey) (Entered: 11/04/2014)
11/04/2014 Flash Drive	E=PI CT;A LT=L OCK"	TRANSCRIPT OF PROCEEDINGS held on 7/7/14 before the Honorable Sharon Johnson Coleman. Court Reporter Contact Information: TRACEY D. MC CULLOUGH, 312-922-3716, Tracey Mccullough@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for

	<u>112</u>	Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 11/25/2014. Redacted Transcript Deadline set for 12/5/2014. Release of Transcript Restriction set for 2/2/2015. (Mccullough, Tracey) (Entered: 11/04/2014)
11/04/2014 Flash Drive	E=PI CT;A	TRANSCRIPT OF PROCEEDINGS held on 10/21/14 before the Honorable Sharon Johnson Coleman. Court Reporter Contact Information: TRACEY D. MC CULLOUGH, 312-922-3716, Tracey_Mccullough@ilnd.uscourts.gov.
	LT=L OCK" 113	IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.
11/04/2014	<u>114</u>	Redaction Request due 11/25/2014. Redacted Transcript Deadline set for 12/5/2014. Release of Transcript Restriction set for 2/2/2015. (Mccullough, Tracey) (Entered: 11/04/2014) MEMORANDUM by Arlington Specialties, Inc. in Opposition to motion for attorney fees, 100 (Attachments: #1 Exhibit A, #2 Exhibit B, #3 Exhibit
11/04/2014	115	C)(Gekas, Jami) (Entered: 11/04/2014) AFFIDAVIT by Plaintiff Arlington Specialties, Inc. in Opposition to MOTION by Defendant Urban Aid, Inc. for attorney fees <i>Pursuant to Fed. R. Civ. P. 54(d) and For Briefing Schedule</i> 100 (11-4-14 Declaration of Georgette Kaplan) (Gekas, Jami) (Entered: 11/04/2014)
11/04/2014		AFFIDAVIT by Plaintiff Arlington Specialties, Inc. in Opposition to MOTION by Defendant Urban Aid, Inc. for attorney fees <i>Pursuant to Fed. R. Civ. P. 54(d) and For Briefing Schedule</i> 100 (11-4-14 Declaration of Jami A. Gekas) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Gekas, Jami) (Entered: 11/04/2014)
11/12/2014	<u>117</u>	REPLY by Urban Aid, Inc. to memorandum in opposition to motion 114 for Attorney's Fees (Stillman, Philip) (Entered: 11/12/2014)
11/13/2014	<u>118</u>	SEVENTH CIRCUIT transcript information sheet by Arlington Specialties, Inc. (Gekas, Jami) (Entered: 11/13/2014)
11/15/2014 Flash Drive	CT;A	TRANSCRIPT OF PROCEEDINGS held on 3-4-14 before the Honorable Maria Valdez. Court Reporter Contact Information: Pamela S. Warren, https://www.ilnd.uscourts.gov/home/Transcript-Order-Form.aspx. <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be</p>

	119	obtained through the Court Reporter/Transcriber or PACER. For further
		information on the redaction process, see the Court's web site at
		www.ilnd.uscourts.gov under Quick Links select Policy Regarding the
		Availability of Transcripts of Court Proceedings.Redaction Request due
		12/8/2014. Redacted Transcript Deadline set for 12/16/2014. Release of Transcript Restriction set for
		2/13/2015. (Warren, Pamela) (Entered: 11/15/2014)
11/15/2014	"TYP	TRANSCRIPT OF PROCEEDINGS held on 4-24-14 before the Honorable
Flash	D DI	Maria Valdez, Court Reporter Contact Information: Pamela S. Warren.
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	OCK	terminal or purchased through the Court Reporter/Transcriber before the
	120	deadline for Release of Transcript Restriction. After that date it may be
	120	obtained through the Court Reporter/Transcriber or PACER. For further
		information on the redaction process, see the Court's web site at
		www.ilnd.uscourts.gov under Quick Links select Policy Regarding the
		Availability of Transcripts of Court Proceedings.Redaction Request due
		12/8/2014. Redacted Transcript Deadline set for 12/16/2014. Release of Transcript Restriction set for
		2/13/2015. (Warren, Pamela) (Entered: 11/15/2014)
11/15/2014	"TYP	TRANSCRIPT OF PROCEEDINGS held on 7-17-14 before the Honorable
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	121	deadline for Release of Transcript Restriction. After that date it may be
	-	obtained through the Court Reporter/Transcriber or PACER. For further
		information on the redaction process, see the Court's web site at
		www.ilnd.uscourts.gov under Quick Links select Policy Regarding the
		Availability of Transcripts of Court Proceedings.
		12/8/2014. Redacted Transcript Deadline set for 12/16/2014. Release of Transcript Restriction set for 2/13/2015. (Warren, Pamela) (Entered: 11/15/2014)
11/15/2014	<u>"TYP</u>	TRANSCRIPT OF PROCEEDINGS held on 9-2-14 before the Honorable
Flash	E=PI	Maria Valdez. Court Reporter Contact Information: Pamela S. Warren,
<u>Drive</u>		https://www.ilnd.uscourts.gov/home/Transcript-Order-Form.aspx.
	LT=L	P>IMPORTANT: The transcript may be viewed at the court's public
	OCK"	terminal or purchased through the Court Reporter/Transcriber before the
	<u>122</u>	deadline for Release of Transcript Restriction. After that date it may be
		obtained through the Court Reporter/Transcriber or PACER. For further
		information on the redaction process, see the Court's web site at
		www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.
		12/8/2014. Redacted Transcript Deadline set for 12/16/2014. Release of Transcript Restriction set for
		2/13/2015. (Warren, Pamela) (Entered: 11/15/2014)
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	123	obtained through the Court Reporter/Transcriber or PACER. For further
		information on the redaction process, see the Court's web site at
		www.ilnd.uscourts.gov under Quick Links select Policy Regarding the
		Availability of Transcripts of Court Proceedings.
		12/8/2014. Redacted Transcript Deadline set for 12/16/2014. Release of Transcript Restriction set for
		2/13/2015. (Warren, Pamela) (Entered: 11/15/2014)
11/15/2014	"TYP	TRANSCRIPT OF PROCEEDINGS held on 12-10-13 before the Honorable
Flash	F=PI	Maria Valdez. Court Reporter Contact Information: Pamela S. Warren, https://www.ilnd.uscourts.gov/home/Transcript-Order-Form.aspx.
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	OCK"	terminal or purchased through the Court Reporter/Transcriber before the
	124	deadline for Release of Transcript Restriction. After that date it may be
	127	obtained through the Court Reporter/Transcriber or PACER. For further
		information on the redaction process, see the Court's web site at
		www.ilnd.uscourts.gov under Quick Links select Policy Regarding the
		Availability of Transcripts of Court Proceedings.Redaction Request due
		12/8/2014. Redacted Transcript Deadline set for 12/16/2014. Release of Transcript Restriction set for
		2/13/2015. (Warren, Pamela) (Entered: 11/15/2014)

KEY

Majority of the items are included in this record.
All crossed out items are not included in the record.